

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Regular Meeting Minutes  
September 16, 2015  
7:30 PM**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:35pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Swearing in of New Board Members**

Ms. Dowling duly swore in new members John Fuhrmann and Robert Edwards.

**4. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [present]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Phil Lopa Dec/2015 [absent]	Anthony Vietri Dec/2015 [present]
John Fuhrmann Dec/2016 [present]	Sean Johnson(Alt 1) Dec/2015 [present]
Robert Edwards Dec/2016 [present]	

Also present were: Board Attorney- Ms. Joan Dowling  
Board Engineer, Robert Bucco Jr.  
Board Planner, Uzo Ahairakwe

**5. Minutes**

Member Vietri made a motion to accept the September 2, 2015 meeting minutes, seconded by Member Hoyt. Vote: Member Anello-yes, Member Hoyt- yes, Member Jackson-yes, Member Fuhrmann –abstain, Member Vietri- yes, Chairperson Thompson-yes. Member Johnson- abstain, Member Edwards- abstain. Motion passed

**6. Old Business**

**Z2015-08  
Hickson  
Block 136 Lot 4.01**

**Memorialize Resolution**

Member Vietri made a motion to accept the Resolution approving the variance, seconded by Member Hoyt. Vote: Member Anello- yes, Member Hoyt-yes, Member Jackson-yes, Member Fuhrmann- abstain, Member Vietri- yes, Chairperson Thompson-yes, Member Johnson- abstain, Member Edwards- abstain. Motion passed.

**Z2015-07**  
**MBKS**  
**102 South Ave**  
**Block 287 Lot 6**

### **Continuation**

Mr. Michael Butler stated that he is representing MBKS with the use variance.

Mr. Butler stated that Mr. Sowden bought the property in 2000.

Ms. Dowling duly swore in Richard Sowden, 393 Jaguar Lane, Bridgewater, NJ 08807.

Mr. Sowden stated that he is the owner of MBKS LLC, and that he has owned the property since 2000.

Mr. Sowden stated that his employees bring the used tires and load them into the trailers.

Mr. Sowden stated that this is a “green” business.

Mr. Sowden gave a general overview of the site plan stating where the fence is located, hours of operation, location of trailers and the light pole.

Ms. Dowling asked about the waivers.

Member Fuhrmann questioned the C variance component and also the D variance and asked for clarification.

Mr. Butler explained the position that was taken by the zoning officer and previous application.

Mr. Sowden explained that different trailers get filled and depending on the volume the trailer could be on the property one day or two months.

Mr. Butler introduced Exhibit A1 a packet of 22 photographs of the surrounding area taken by the applicant between September 2, 2015 and September 16, 2015.

Mr. Sowden stated that photograph 1 of trailers docked down the street.

Member Fuhrmann questioned the length of time the trailers in the photograph were at this location.

Mr. Sowden stated that:

- Photograph 1 was trailers on South Ave
- Photograph 2 was a construction yard off of Egel Ave.
- Photograph 3 was South Ave across from Ultimate Storage
- Photograph 4 was picture of Egel Ave.
- Photograph 5 was on the right hand side of South Ave
- Photograph 6 was the back of Capital Printing with a trailer and pallet
- Photograph 7 was a bus storage yard
- Photograph 8 was behind 125 South Ave by the railroad showing 2 objects- a bus chassis and cab and frame.

The Board concluded that the pictures would be of the surrounding areas.

Member Anello questioned how many towns in the county does Mr. Sowden service.

Mr. Sowden stated that there are seven towns in Middlesex County that use his service.

Member Anello questioned if the gate of the fence was operational.

The applicant agreed to have the gates operational.

Member Vietri asked if Mr. Sowden receives fire prevention inspections.

Mr. Sowden stated that he in regularly has fire prevention inspections from the county and the state and that he complies with regulations.

Member Anello questioned if you were able to drive through the property to reach the property behind 102 South Ave.

Mr. Sowden informed the Board yes, until the gate gets repaired

Member Jackson asked how the trailers were parked as he was concerned with vandalism.

The Board discussed the fence location and the lockable gate around Lot 51 tire business and Lot 6 the subject property, and the fence located behind the residence on block 18.

Ms. Dowling duly swore in Mr. Robert Templin, 861 Eisenhower Rd., Bridgewater NJ 08807.

Mr. Templin stated his credentials and education as Engineer and surveyor.

The Board accepted Mr. Templin as an expert witness.

Mr. Templin gave a brief background of the site with the frontage being on South Ave, stone area, fence on 2 side of the property, light fixtures in the center and corner of property.

The Board and Mr. Templin addressed the report from Najarian Associates letter dated July 6, 2015.

The Board reviewed the waiver requests from the site plan checklist.

The applicant had requested waivers on items; #9(elevations and contours), #10 (storm drainage plan),#11 (location of outcrops, highpoints..),#12(flood hazard area),#16 (floor plan and elevations of buildings),#17(driveway plan and traffic flow),#19(locations of water lines),#20(location of sewer lines),#21(locations of utilities) and# 22(lighting plan).

Mr. Bucco of Najarian Associates stated that he had no changes with his technical review comments.

Mr. Ahairakwe of Cole and Associates stated that he was not in favor of the Board granting the waivers for #9,#17 and #22.

The Board discussed the waivers.

Mr. Templin stated that #9 and #17 can be added to the site plan.

Member Anello made a motion to allow waivers except for #9, #17 and #22, seconded by Member Hoyt. Vote: Member Anello-yes, Member Hoyt-yes, Member Jackson-yes, Member Fuhrmann-yes, Member Vietri-yes, Chairperson Thompson-yes, Member Johnson-yes. Motion passed.

The site plan was discussed further; there will be 11 concrete bumper curbs added on the plan for the parking of customer vehicles for business on Egel Ave, the dumpster location on Lot 6 would be shown on the plan, fencing would be repaired, bollards on the utility pole, grading and drainage would be addressed by filling in areas with stone, general cleanup of the site (removal of weeds), there would be no dumpster located on the property (Lot 6), utility lights will be moved to the corner of the property by PSEG (as indicated by Mr. Sowden)

Member Anello questioned the previous contamination of this site.

Ms. Sowden stated that the previous owner has to have a plan in action by 2017, and that there is a trust account.

The Board requested that the monitoring wells be shown on the site plan.

The applicant will also supply supporting documents regarding the environmental remediation.

The applicant is not requesting any signage for the property.

Ms. Dowling duly swore in the applicant's Planner, Mr. David Karlebach, 38 East Ridge Wood.

Mr. Karlebach stated his education and credentials as a licensed Planner.

The Board accepted Mr. Karlebach as an expert witness.

Exhibit A2 was entered as a 3 sheet packet containing a Birdseye view of the property, the use of the property and surrounding land uses.

Mr. Karlebach stated that the site was uniform, no irregularities, ½ acre, developed as trailer staging area, site also used to park vehicles.

Mr. Karlebach stated that the site has been existing for 15 years so the impact of the site is already known, the site is in the IND zone that permits contractor storage yards, lumber yards and industrial uses and the proposed use of this site is comparable to these uses.

Mr. Karlebach stated that D variance subsumes the c variance requested.

Mr. Karlebach stated the purpose of land use law and the advancement of the law citing 40:55D-2 Purposes of the act (o). to promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs

Mr. Karlebach stated that the shape of the site and the access to the surrounding areas and staging area is an efficient use of the property, using land more efficient and that the benefits outweigh the detriments to the public.

Mr. Karlebach stated that the applicant was agreeable to the changes that the board had suggested with the fencing of the property.

Member Fuhrmann questioned the number of trailers and the minimum number of trailers that Mr. Sowden needed to operate the business.

Mr. Sowden stated that he could operate with 8 trailers.

The Board discussed the number of trailers and how they are set up on the site plan, the chain link fence with hedgelink material on the easterly and westerly side of the property, the fence located on Lot 57 to be moved back to the rear property line, that no permanent buildings shall be on the site, the revised plan shall document the dimensions of the driveway size.

Chairperson Thompson opened the meeting to the public.

Emil Vogt, 37 Davis Ave, Piscataway, NJ 08854 questioned the parking on 107 Egel Ave

Mr. Vogt was informed that this was not part of the application.

Mr. Vogt questioned the size of the containers and if the containers were drawn to scale on the plan.

Mark Sowden, 62 Pearl St., Bridgewater, NJ thanked the Board for their time regarding this application.

Mr. Zoller gave his summation.

The Board reviewed the changes to the plan:

Waivers #9, 17, and 22 will be reflected on the plan, the chain fence located on the property line will be shown, the elevations will be shown to depict curbs, detail of the chain link fence and gates will be shown, detail of the fabric will be shown, the dimensions of the trailers will be shown on the plan, 8 trailers will be shown on the site plan, a note of no permanent buildings on the property will be placed on the plan, monitoring wells will be shown on the plan, lighting will be shown, areas to be filled in with stone shall be marked on the plan, the plan shall be marked no existing water on the site, the 3(trailers)containers and gate shall be shown on Lot 51.

The Board discussed whether to vote now or wait 2 weeks (October 7, 2015) and have the revised plans.

The Board decided not to vote until the October 7, 2015 meeting.

The Board stated there comments on the application.

Member Vietri stated that there was no detriment to the town, site just need to be upgraded.

Member Edwards liked that the business was "green."

Member Fuhrmann had no issues.

Member Johnson and Chairperson Thompson were sufficient with the application.

Member Anello stated that there was no detriment to the town.

Member Jackson had no issues with the application.

Member Hoyt wanted to see the changes in black and white.

## **7. Correspondence**

Ms. Dowling informed the Board of the email received regarding an Ordinance change in Bridgewater that the Borough had been noticed on.

Chairperson Thompson opened the meeting to the public, there being no public present he closed the public portion of the meeting.

There being no further business Member Anello made a motion to adjourn the meeting at 10:55pm, seconded by Member Vietri. Vote: All in favor. Meeting adjourned.

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Secretary

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Karen Wick, Board Clerk